

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DWAINE WRIGHT,

Plaintiff,

:

Case No. 3:15-cv-211

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

RION MacCONNELL,

Defendant.

:

REPORT AND RECOMMENDATIONS

This action is before the Court *sua sponte*. The case was filed June 16, 2015, approximately eleven months ago. Fed. R. Civ. P. 4(m) provides that an action in federal court must be dismissed without prejudice as to a defendant who has not been served with process within ninety days of filing¹. Numerous efforts have been made by the Clerk and by the United States Marshal to obtain service of process, but no service has been obtained on either of the Defendants.

¹ Formerly 120 days.

It is accordingly recommended that unless Plaintiff show good cause to the contrary not later than May 19, 2016, this case be dismissed without prejudice.

May 9, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).